

ALABAMA BOARD OF NURSING

REGULAR BOARD MEETING

Fiscal Year 2010-2011

Suite 350, RSA Plaza

770 Washington Ave

Montgomery, Alabama

August 18, 2011

I. CALL TO ORDER

A. Roll Call

The meeting was called to order at 9:05 a.m. on August 18, 2011. The following Board members were present: Amy Price, MSN, RN, Vice-President; Sharon Pugh, LPN, Secretary; Melissa Bullard, LPN; Monica Cauley, MSN, RN; Catherine Dearman, RN, PhD; Maggie Lee Hopkins, LPN; Gregory Howard, LPN; Martha G. Lavender, RN, DSN; Carol Stewart, CRNP; and E. Laura Wright, MNA, CRNA, PhD(c). Genell Lee, MSN, RN, JD, Executive Officer and Leslie Vinson, Executive Secretary/Recorder were present. Staff members attending portions of the meeting were: Charlene Cotton, MSN, RN, Advanced Practice; Katie Drake-Speer, MSN, RN, Education; Carolyn Morgan, MSN, RN, Practice/Continuing Education; Tina Leonard, Docket Clerk; Mary Ed Davis, MSN, RN, Voluntary Disciplinary Alternative Program; Cathy Boden, MSN, RN, Legal Nurse Consultant; LaDonna Patton, MSN, RN, Legal Nurse Consultant; and Alice Maples Henley, Deputy Attorney General/General Counsel.

B. Declaration of Quorum

A quorum was declared with ten Board members present. Pamela Autrey, PhD., MSN, RN, and Greg Pugliese, JD, were not present. Lynda F. LaRue, RN, ADN, CMTE, arrived at 11:27 a.m.

C. Statement of Compliance with Open Meetings Act

Prior notice of this meeting was posted on the Secretary of State's web site in accordance with the Alabama Open Meetings Act.

D. Review of Agenda

1. Additions, Modifications, Reordering

2. Adoption of Agenda

On August 18, Dr. Lavender moved that the Board approve the Agenda, as amended. Mr. Howard seconded. Motion carried without objection.

II. ADVANCED PRACTICE

A. Collaborative Practice Applications

Ms. Cotton reported that the Joint Committee did not meet on August 16, 2011 due to not having a quorum. The Board of Medical Examiners (BME) met on August 17, 2011 and approved applications listed on the Board agenda for fast track which includes standard protocol, standard formulary, covering physician, no remote site. The following applications were excluded because the physician has not paid the BME fee: 1) Pamela E. Carver, 1-109633, and Dr. Michele Elizabeth Turnley, 00014273; 2) Ida E. Dunn, 1-061047, and Dr. Regina Barrett Harrell, 00027429; 3) Paige R. Hickman, 1-068437, and Dr. Stephen Wilbon Russell, 00028087; 4) Kathleen A. Troup, 1-107032, and Dr. David Ray Faber, 00026317; and 5) Tracie Lyn White, 1-086092, and Dr. Jamie Annemarie Cannon, 00028870.

The BME also approved seven requests for additional duties upon recommendation from the BME Credentials Committee based on a specific request from the physician to the BME.

Ms. Cotton provided copies of the fast track applications and the BME action on additional duties for the Board's review and approval.

The Board reviewed and discussed the information provided.

On August 18, Ms. Wright moved that the Board approve the Board approve the following applicants for collaborative practice as listed in the roster: items 1-8, 10-14, 16-24, 26-43, 45-47 and 49-50; and approve the following applicants for collaborative practice listed in the published roster with additional duties: items 132, 133, 134, 137, 164, 166, 169, and 170. Dr. Lavender seconded. Motion carried without objection.

III. EDUCATION

A. Education Subcommittee Report

Ms. Drake-Speer reported that the Board established the Education Subcommittee and charged the committee to review the systematic plan of evaluation and the annual report of nursing education programs and provide recommendations to the Board. The committee members are: Dr. Lavender, Ms. Cauley, Ms. LaRue, Ms. Stewart, and Dr. Dearman. Dr. Dearman chairs the group.

The committee met on June 17 and July 20, 2011. The committee reviewed screen shots from the previous annual report and discussed a minimum data set for the report. The committee discussed proposed changes that would lessen confusion while at the same time effectively capture accurate data essential for the Board's purposes. The committee proposed to revamp the information requested in the report for the systematic plan of evaluation.

Ms. Drake-Speer reported that the subcommittee plans to place an instructional video on the web site and will also have written instructions available.

Ms. Drake-Speer conducted a power point presentation and reviewed the proposed changes.

The Board reviewed the proposed changes and provided feedback.

Ms. Drake-Speer reported that the subcommittee will make the suggested changes and bring back to the September Board meeting for approval.

B. Deficiency, Bevill State Community College

Ms. Lee reported that the regulations require employers of nurses to submit an annual report to the Board including all licensed nurses. ABN Administrative Code, Rule 610-X-4-.15, Annual Report of Employing Agencies states, "The director of nursing or other appropriate authority shall submit an annual report that includes all persons employed as licensed practical nurses or registered nurses according to guidelines provided by the Board. Subscription to the Board's group online license verification service shall serve as the annual report of employing agencies." On January 17, 2011 a message was sent via list serve to all chief

nursing officers and the RN and PN programs approved by the Board as a reminder to submit the annual report of employing agencies. Once the annual report is submitted, staff checks license numbers from the report against the licensing database to assure that everyone listed as licensed nurses are actually licensed.

Bevill State Community College ADN program submitted its annual report of employing agencies. Twelve of the individuals listed on the report as clinical supervisors/instructors were not licensed in Alabama. The Executive Officer contacted the Dean of Health Sciences at Bevill State and confirmed that the job description required an unencumbered Alabama license. The clinical instructors conducted clinical in a Mississippi hospital. Confirmation occurred that Bevill State compensated each of the twelve (12) clinical instructors out of state funds.

On August 18, Ms. Pugh moved that the Board provide a Notice of Deficiency to Bevill State Community College ADN Program for failure to comply with ABN Administrative Code, Rule 610-X-3-.02(12)(b) by employing individuals for clinical supervision who were not licensed in Alabama. Compliance is expected immediately. The program is ordered to submit its plan to assure compliance in the future. Ms. Cauley seconded. Motion carried without objection.

C. Spring Hill College BSN Program

Ms. Lee reported that the Hearing Officer filed an amended recommendation due to a typographical error related to the exhibits and she provided copies of the amendment for the Board's information and review.

On August 18, Ms. Pugh accept the Findings of Fact, Conclusions of Law, and amend the Hearing Officer's Recommendation by changing "certification" to "approval", and maintain approval of Spring Hill BSN Program for a period extending until thirty days after receipt by the Board of the results of all first time BSN graduate testers taking the test in FY 2012. At such time, approval will be automatically extended if testing results for those first time testers meet or exceed an 80 percent passage threshold and the program is in compliance with other Board regulations. Approval during the corrective period is conditioned on the following: 1) continued implementation of those measures outlined in Resp. Exs. 5, 7, and 11; 2) periodic reporting and meetings with Board officials to monitor implementation and progress

of the measures identified above (with such reporting and meetings to occur in accordance with such terms and at such intervals as may be set by the Board staff); and 3) the immediate termination of the program's approval prior to 2012, in the event that the FY 2011 first time passage rate further declines to less than 60 percent. Allow Spring Hill to seek to have the Board's approval of its BSN program extended indefinitely prior to the 2012 deadline, should its program passage rate meet or exceed the 80 percent threshold for FY 2011. Mr. Howard seconded. Motion carried without objection.

IV. BOARD TRAVEL

- A. 2011 NCSBN Leadership and Public Policy Conference, Alexandria VA – October 4-6, 2011

Ms. Cauley was approved to attend.

V. POLICY

- A. Final Certification, Amendment, ABN Administrative Code, Rule 610-X-8-.01, Definitions

Ms. Lee reported that over the last three years, the Board increasingly lapses licenses for individuals who have physical or mental conditions that impair their ability to safely practice nursing. Definitions are placed in alphabetical order to comply with formatting of definitions in other chapters. The Board approved the proposed amendments at the June 2011 Board meeting. The proposed rules were filed with the Legislative Reference Service, published in the June 30, 2011 *Alabama Administrative Monthly*, and posted on the Board's web site. No comments were received.

Ms. Lee provided copies of the proposed amendments for the Board's review and approval.

The Board reviewed the proposed amendments.

On August 18, Ms. Pugh moved that the Board approve, as final certification, amendments to ABN Administrative Code, Rule 610-X-8-.01, Definitions. Ms. Wright seconded. Motion carried without objection.

B. Final Certification, Amendment, ABN Administrative Code, Rule 610-X-2-.08, Definitions, Disciplinary Action

Ms. Lee reported that over the last three years, the Board increasingly lapses licenses for individuals who have physical or mental conditions that impair their ability to safely practice nursing. Definitions are placed in alphabetical order to comply with formatting of definitions in other chapters. The Board approved the proposed amendments at the June 2011 Board meeting. The proposed rules were filed with the Legislative Reference Service, published in the June 30, 2011 *Alabama Administrative Monthly*, and posted on the Board's web site. No comments were received.

Ms. Lee provided copies of the proposed amendments for the Board's review and approval.

The Board reviewed the proposed amendments.

On August 18, Dr. Lavender moved that the Board approve, as final certification, amendments to ABN Administrative Code, Rule 610-X-2-.08, Definitions, Disciplinary Action. Mr. Howard seconded. Motion carried without objection.

C. Final Certification, ABN Administrative Code, Rule 610-X-8-.12, Reinstatement of Board Lapsed License

Ms. Lee reported that the Board initiated Board-Lapsed licenses about five years ago when an increasing number of complaints addressed issues of physical and mental conditions that impacted an individual nurse's ability to safely practice. Now that there has been some experience with the process, staff proposed a new rule to address reinstatement of the Board-lapsed license. The Board approved the new rule in June 2011 and the proposed rule was published in the June 30, 2011 *Alabama Administrative Monthly*. The proposed rules were also published on the Board's web site. No comments were received.

Ms. Lee provided copies of the proposed rule for the Board's review and approval.

The Board reviewed the proposed rule.

On August 18, Ms. Pugh moved that the Board approve, as final certification, new ABN Administrative Code, Rule 610-X-8-.12, Reinstatement of Board Lapsed License. Ms. Wright seconded. Motion carried without objection.

D. Final Certification, Amendment, ABN Administrative Code, Rule 610-X-8-.09, Decisions of the Board

Ms. Lee reported that the Board initiated Board-Lapsed licenses about five years ago when an increasing number of complaints addressed issues of physical and mental conditions that impacted an individual nurse's ability to safely practice. Now that there has been some experience with the process, staff proposed a new rule to address reinstatement of the Board-lapsed license. The Board approved the new rule in June 2011 and the proposed rule was published in the June 30, 2011 *Alabama Administrative Monthly*. The proposed rules were also published on the Board's web site. No comments were received.

Ms. Lee provided copies of the proposed rule for the Board's review and approval.

The Board reviewed the proposed rule.

On August 18, Ms. Wright moved that the Board approve, as final certification, amendments to ABN Administrative Code, Rule 610-X-8-.09, Decisions of the Board. Mr. Howard seconded. Motion carried without objection.

VI. PRACTICE

A. Standardized Procedure: ADPH BHCS for Reinsertion of Tracheostomy in the Home Setting

Ms. Morgan reported that though the Alabama Department of Public Health's Bureau of Home and Community Services (BHCS) provides home care and elderly/disabled waiver program throughout the state of Alabama, the application is for the home health subunits in all counties with the exception of Baldwin, Madison and Mobile counties. Previously, BHCS has had a standardized procedure in place for emergency reinsertion of tracheotomy tubes in mature sites.

Limitations specified in the application include: limiting the procedure to RNs; the first tracheostomy tube change must be performed by the physician or practitioner at the MD Office, clinic, hospital or skilled facility; established/mature tracheostomy tubes are defined in the application as tubes where the tracheostomy tract has healed (usually between 7-14 days after placement) with verification by the physician or practitioner that the tract is mature/established; patient that experienced rapid

decompensation when the tracheostomy tube was changed by the physician would not be a candidate for home routine tracheostomy change; there must be a working telephone in the home; there must be a working suction in the home; and EMS would be evaluated, be non-volunteer with the ability to take care of a tracheostomy patient with respiratory emergency.

Ms. Morgan provided copies of the application, policy and procedure, organized program of study and evaluation tool, supervised clinical practice and competency demonstration, and correspondence for the Board's information and review.

The Board reviewed and discussed the information provided.

On August 18, Dr. Lavender moved that the Board approve the standardized procedure application from the Alabama Department of Public Health's Bureau of Home and Community Services for routine tracheostomy tube change (mature/established) in home setting as defined in the application. Mr. Howard seconded. Motion carried without objection.

B. 2011 Annual Report of Standardized Procedures

Ms. Morgan reported that the ABN Administrative Code Chapter 610-X-6-.12 includes rules for the practice beyond the basic nursing education of RNs and LPNS through the implementation of Standardized Procedures for practice beyond basic nursing education.

The Board of Nursing stopped issuing position statements in 2001 and previous position statements were archived. After lengthy review of the standard of practice for RNs and LPNs, the standardized procedures rule for practice beyond basic nursing education was adopted. Facilities wishing nurses to perform procedures beyond their basic education are to submit an application signed by the chief nursing administrator, the chief medical officer and chief executive. Accompanying this application must be the policy and procedure, the organized program of study, plan for supervised clinical practice and plan for demonstration of competency. A report from the chief nurse of the facility is submitted annually in a format specified by the Board that identifies the procedures performed by nurses, supervision required and limitations, if applicable.

Beginning with the 2006 annual report, an on-line survey was developed and placed on the Alabama Board of Nursing website.

The report was limited to hospitals, nursing homes, home health and hospice agencies, infusion companies, ambulatory surgery centers and dialysis centers. In the 2007 report, Medical Transport Companies were added.

At the request of facilities and agencies and with approval from the Board, the report was separated by type of facility rather than by type of nurse in 2006. The report of standardized procedures in hospitals was further separated by the number of licensed beds.

The Notice to Report was delivered to CNOs on the list serve the first week in February with directions and the due date of April 15. On April 15, only 54% (down from 59% from last year) of expected reports had been received, however this is only the second year we have received over 50% of the reports on the due date. As of this report, all CNOs have reported from hospitals, home health and hospice agencies, nursing homes, ambulatory surgery centers, medical transport companies and abortion/reproduction centers. All CNOs from known ESRDs and Infusion companies have reported.

Through verbal reports and the annual report, most home health agencies have dropped “emergency” from changing and reinserting mature tracheotomy tubes.

Ms. Morgan reported that it continues to be difficult to obtain reports from Infusion Companies since there is no directory, licensure or regulation of them in Alabama. One company reported for the second year performing procedures generally reserved for home health agencies including replacing and maintenance of mature gastrostomy tubes, wound vac application and maintenance, nasogastric tube insertion, and replacement/change mature suprapubic catheters. It is suggested that submission of these procedures being performed be forwarded to the Alabama Department of Public Health’s Division of Health Care Facilities.

Ms. Morgan reported that the proposed follow-up includes: 1) publish on the CNO page of the ABN website; 2) publish in ABN’s Annual Report; 3) follow-up with home health agencies that have dropped “emergency” from changing/reinsertion mature tracheostomy tubes to determine that they have emergency plans in place by requesting copy of their policy and procedure; and 4) forward notice of home health procedures reported by Infusion companies to the Alabama Department of Public Health’s Division of Health Care Facilities.

Ms. Morgan provided copies of the 2011 Annual Report data

summary for the Board's information and review, and conducted a power point presentation.

The Board reviewed and discussed the data summary.

On August 18, Ms. Wright moved that the Board approve the 2011 Standardized Procedures Report as submitted with the follow up plans. Ms. Pugh seconded. Motion carried without objection.

VII. REPORT OF MEETINGS ATTENDED

A. NCSBN Annual Meeting, Indianapolis, IN – August 3-5, 2011

Dr. Lavender, Ms. Cauley, Ms. Bullard, Mr. Howard and Ms. Pugh reported on their attendance at the NCSBN Annual Meeting.

Ms. Pugh, Ms. Hopkins, Ms. Cauley and Ms. Bullard provided written reports.

VIII. CONTINUING EDUCATION

A. CE Needs Survey

Ms. Morgan reported that the 2011 Continuing Education Plan was approved by the Board in January 2011. This approved CE Plan called for an annual needs assessment to be conducted to determine continuing education activities that Board and staff desire to be presented internally and externally. This Needs Survey consisting of two demographic questions, fifteen questions regarding knowledge level and one question regarding desired education topics was conducted on-line during June 2011.

Of the thirteen board members who were sent the survey, seven or 54% completed the survey. Of the 44 board staff members who were sent the survey fifteen or 34% responded.

Ms. Morgan provided copies of the summary of responses for the Board's information and review, and conducted a power point presentation.

The Board reviewed the summary of responses and reported they could always use more information on legal issues.

Dr. Lavender was not present for the discussion.

IX. LEADERSHIP ACADEMY PRESENTATION: National Licensure

Ms. Boden, Ms. Davis and Ms. Henley conducted power point presentations on National Licensure.

Dr. Lavender was not present.

Ms. Stewart was not present from 2:40 to 2:48 p.m.

Dr. Dearman was not present from 3:31 to 3:39 p.m.

X. PETITION FOR DECLARATORY RULING: Stillman College

Ms. Lee reported that on March 17, 2011 the Board issued an Order extending Stillman College's provisional approval until the Board received the 2011 NCLEX-RN® for all testing on or before June 30, 2011. On July 15, 2011, the Board received the results for the first-time NCLEX-RN® writers showing that they failed to meet the 80% standard. Stillman College's Provisional approval was withdrawn by the Board of August 15, 2011.

The College has two classes of students that are in the professional portion of its BSN program. The senior class contains twenty-six students and the junior class contains twenty students. These students will be directly affected by the withdrawal of the College's provisional approval.

The College requests that the Board declare the following as to the closure of the BSN program: 1) that the senior and junior classes, consisting of forty-six students, be allowed to complete their nursing course work at Stillman College; and 2) provided that the students satisfy their graduation requirements and other applicable Board requirements, these forty-six students be granted special permission to sit for the NCLEX-RN® exam following completion of their coursework and graduation.

The college requests this relief in an effort to provide the College's junior and senior classes with the opportunity to complete their nursing education and become licensed nurses.

Jay Patton, Attorney, Dr. Mary Jane Krotzer, Dr. Linda Bradford, and Dr. Linda Forte were present and answered questions from the Board. Mr. Patton provided a copy of a letter addressing the Board's directive to notify students of the Board's March 17, 2011 Order.

On August 18, Mr. Howard moved to open the floor for discussion. Ms. LaRue seconded. Motion carried without objection.

On August 18, Dr. Dearman moved that the Board not allow Stillman College to offer junior level courses to the rising juniors enrolled in the Stillman BSN Program and provide them the opportunity to transfer. Dr. Lavender seconded. Motion carried with one opposition (Mr. Howard).

On August 18, Dr. Dearman moved that the Board allow the rising seniors to complete the Stillman BSN Program provided they are successful in all coursework and graduate no later than May 2012. Those May 2012 graduates may apply for licensure in Alabama if they meet all other requirements. Dr. Lavender seconded. Motion carried without objection.

XI. NEXT MEETING DATE

The next Board meeting is September 15-16, 2011, Suite 350, RSA Plaza.

XII. OTHER

- Ms. Price welcomed the students from Southern Union Community College.
- Dr. Lavender reported that Dr. Autrey was elected as the NCSBN Area III Director.
- The 2012 NCSBN Annual Meeting will be held in Dallas, TX on August 8-10, 2012.

XIII. BOARD MEETING DEBRIEFING

- Ms. Lee reported that Stillman College can appeal the Board's declaratory ruling decision.
- The Board discussed the process for the rising seniors at Stillman College.
- Ms. Lee reported that CCNE will be notified with the Board's decision to withdraw approval from the Stillman College BSN Program.
- The Board discussed the lack of planning by Stillman College.
- Ms. Henley reported that on May 24, 2011, the Circuit Court stayed the Board's decision until the final hearing in July 2011.
- Ms. Lee reported that she received an email from a student who

graduated from Stillman College in June and was trying to apply for licensure in Georgia. The student had not been able to reach Dr. Forte to have her sign the application for licensure.

XIV. ADJOURNMENT

The meeting adjourned at 3:50 p.m. on August 18, 2011.

Pamela Autrey, President

Sharon Pugh, Secretary

Submitted by: _____
Leslie Vinson, Recorder
8/18/2011